

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**VIRNETX INC. AND
LEIDOS, INC.,**

v.

APPLE INC.

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Civil Action No. 6:12-cv-855-RWS

JURY TRIAL DEMANDED

NOTICE OF SUPPLEMENTAL JOINT STIPULATION
RELATING TO CERTAIN MOTIONS *IN LIMINE*

The parties file this supplemental joint stipulation to memorialize certain motions *in limine* on which the parties have been able to reach agreement. VirnetX, Inc. (“VirnetX”) and Apple Inc. (“Apple”) agree that they, their counsel, representatives, and all witnesses tendered by them (whether live or by deposition) will not mention, refer to, interrogate about, or attempt to convey to the jury in any manner, either directly or indirectly, any of the matters set forth below without obtaining a favorable ruling from this Court outside the presence and hearing of the prospective jurors or the jury ultimately selected in this case. Both parties will also warn and caution each witness to follow the same instructions.

- Any reference to Tor Software, the Tor organization, or anyone’s involvement with Tor generally including but not limited to the alleged criminal, pornographic, or immoral activity conducted on the Internet, including via the Tor application. (Apple’s Motion *In Limine* IV) (Dkt. No. 609).
- Argument, testimony, evidence, reference, or suggestion that VirnetX’s SEC filings do not characterize its license with Microsoft as “special.” The testimony given previously by Kendall Larsen does not open the door to the reference of VirnetX’s SEC filings missing statements that the Microsoft deal is “special.” Argument, testimony, evidence, reference, or suggestion concerning how the Microsoft license is or is not described in other contexts (*i.e.*, other than in VirnetX’s SEC filings) is not subject to this motion *in limine*. (Modification to VirnetX’s Motion *In Limine* C) (Dkt. No. 608).
- Reference or testimony naming Kendall Larsen as an expert witness or an “expert” in licensing. (Modification to Apple’s Motion *In Limine* VII) (Dkt. No. 609).

Dated: March 19, 2018

Respectfully submitted,

/s/

/s/ Bradley W. Caldwell
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on March 19, 2018.

/s/ _____
Bradley W. Caldwell